

## SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

### **Claims 28-29, 31-38, 40-47, and 49-54 rejected under 35 U.S.C. § 102(b)**

The Office Action rejected claims 28-29, 31-38, 40-47, and 49-54 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,758,062 to McMahon et al. (“McMahon”). Applicant respectfully disagrees. In particular, independent claim 28 as amended herein recites in pertinent part:

... sending known test inputs ... **receiving output** from the first instance of the multi-tier application ... responsive to the known test inputs; **converting the output into a geographic-neutral and linguistic-neutral format**; establishing predicted output ... generating a test script ... to send the known test inputs to the business layer ... bypassing the presentation layer ....

Applicants teach “converting the output into a **geographic-neutral and linguistic-neutral format**,” at paragraph [0040] of the original disclosure which states in pertinent part:

[0040] ... test scripts are stored in a **location and language-independent format**. Once stored in a location-neutral format, the same test data may be used to test applications designed for different locations/languages. By way of example, in a field which requires the entry of a date, a German user may enter the date in the format “18.10.2002” whereas, for the same date, an American user may enter “10/18/2002.” ... in Figure 7 ... **data formatting module 700 which converts recorded location/language-dependent test data into a standard, location/language-neutral format** (at 311 in Figure 3).

The Office Action states that McMahon discloses, “**inputs in the geographic-neutral and linguistic-neutral format** … .” Refer to the Office Action at page 3, under treatment of dependent claim 31. The Office Action relies on McMahon at column 6, lines 37-45 which states in its entirety:

User interface based events (e.g., keystrokes, mouse clicks, etc.) enter the presentation layer 40 and are **translated** by the presentation layer 40 **into higher level user application events** which are communicated from presentation layer 40 to application layer 42 via paths 50b. Considering the same application layer 42, no matter which presentation layer 40 is used, the user application events transmitted over line 50b are generally the same.

McMahon does disclose that “[u]ser based events … enter[ing] the presentation layer … are translated by the presentation layer … .” However, McMahon expressly states that those “[u]ser based events” are translated into **“higher level user application events,”** and not into a **“geographic-neutral and linguistic-neutral format,”** as Applicants recite in amended claim 28. The “higher level user application events” of McMahon are not the same thing as the “geographic-neutral and linguistic-neutral format” claimed by Applicants.

More particularly, although McMahon does disclose that “application events can be … **translated into display codes**” (column 7, lines 59-61), and that “application events can be fed back to the presentation layer 40 **which translates them into objects** that are displayed on display 105” (column 11, lines 61-63), McMahon is wholly silent with respect to a **“geographic-neutral and linguistic-neutral format,”** as claimed by Applicants.

Because McMahon fails to disclose each and every element in as complete detail as Applicants recite in amended independent claim 28, Applicants respectfully submit that claim 28 is not anticipated by McMahon and is in condition for allowance. Independent claims 37 and 46 recite similar limitations. Dependent claims 29, 31-34, 36, 38, 40-43, 45, 47, 49-52, and 54

directly or indirectly incorporate the limitations of the independent base claims upon which they depend, and thus, for at least the reasons stated above are in condition for allowance. Claims 35, 44, and 53 are canceled herein without prejudice and thus, the rejection of claims 35, 44, and 53 is rendered moot.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claims 28-29, 31-38, 40-47, and 49-54.

**Claims 30, 39 and 48 rejected under 35 U.S.C. § 103(a)**

The Office Action rejected claims 30, 39, and 48 under 35 U.S.C. § 103(a) as being unpatentable over McMahon in view of U.S. Patent 6,697,967 to Robertson (“Robertson”).

Dependent claims 30, 39, and 48 each directly or indirectly incorporate the limitations of the independent base claims upon which they depend. Robertson does not cure the deficiencies of McMahon as it too fails to disclose “converting the output into a **geographic-neutral and linguistic-neutral format**,” as Applicants recite in independent claim 28 discussed above with reference to the rejection under 35 U.S.C. § 102(b). Because McMahon and Robertson, whether considered alone or in combination, fail to disclose each and every element in as complete detail as Applicants recite, Applicants respectfully submit that claims 30, 39, and 48 are patentable over the references and in condition for allowance.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claims 30, 39, and 48.

**New dependent claims 55-57**

New dependent claims 55-57 directly incorporate the limitations of independent claim 28

upon which they depend. Thus, for at least the reasons stated above with reference to the rejection of independent claim 28 under 35 U.S.C. § 102(b), Applicants respectfully submit that new claims 55-57 are likewise patentable over the prior art of record. New claims 55-57 find support in the application as originally submitted.

Accordingly, Applicants respectfully request the Examiner to allow new claims 55-57 as presented herein.

## CONCLUSION

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

### **Charge Deposit Account**

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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